

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

June 6, 2013



Right-of-way Abandonment case no. RA13-05: 400 Block of East 26th Street

LOCATION: a request to abandon a 34-foot wide and 250-foot long portion of East 26th Street right-of-way between South Texas and South Houston Avenues adjacent to Lots 6-10 in Block 40 of the Bryan Original Townsite

APPLICANT(S): Robertson Neal

AGENT: Kerr Surveying, Inc.

STAFF CONTACT: Maggie Dalton, Staff Planner



BACKGROUND AND ANALYSIS:

This 34-foot wide and 250-foot long portion (8,500sf) of public right-of-way adjacent to Block 40 of the Bryan Original Townsite was originally platted in 1898 and has been improved with a sidewalk and parking spaces. Most of the right-of-way requested to be abandoned has been functionally integrated with adjacent properties. Mr. Robertson Neal and Mr. John Boegner own Lots 6 thru 10 in Block 40 adjoining the southern boundary of the right-of-way requested to be abandoned. The request was made to integrate this land with their ownership of adjoining land.

A replat showing these 8,500 square feet to be combined with current lots 6 thru 10 in Block 40 is also scheduled for consideration by the Planning and Zoning Commission during its meeting on June 6, 2013 (case no. RP13-12).

Acting on behalf of the general public, only Bryan's City Council is authorized to officially abandon all or portions of rights of way dedicated for public use. The Planning and Zoning Commission hears and makes a recommendation on proposals to abandon any such rights-of-way.

ANALYSIS:

The 400 block of East 26th Street has a 90-foot wide right of way and currently 30 feet of pavement. This portion of East 26th Street is classified as a local street. City of Bryan design guidelines require only 50 feet of right-of-way for local streets and 27 feet of pavement. There is no reason to believe that the street will need to be widened for use as a driving surface in the near future (if ever). Abandoning the subject right-of-way, therefore, will not substantially interfere with the smooth circulation of vehicular and pedestrian traffic.

An overhead electric line crosses the northern 22 feet of the subject right-of-way. If this right-of-way is abandoned, then suitable easements over existing utilities as well as existing public sidewalks will need to be reserved. Such easements will ensure continued public use of existing sidewalks and access for repairing and replacing utilities and help prevent the construction of new buildings which interfere with access to these utilities.

RECOMMENDATION:

The Site Development Review Committee and staff recommend **approving** this request to abandon a portion of East 26th Street right-of-way, **subject to the condition that a 22-foot wide and 250-foot long public access and public utility easement be reserved.**

Excess right-of-way burdens the public with possible continued maintenance, liability concerns, and is an inefficient use of urban land. The right-of-way requested to be abandoned has been functionally integrated with adjacent properties. Abandoning the subject right-of-way, as recommended, will allow this land to be formally integrated with adjacent land. Staff contends that the recommended rearrangement of land will have the most likely long-range public benefit.